

IN THE CLAIMS:

Please amend claims 1-20 as follows:

1. (Original) A fungus, which has activity of controlling an infectious disease of a Gramineous plant, and belongs to the genus *Penicillium* or the genus *Talaromyces* or *Eupenicillium* which is a teleomorph of the genus *Penicillium*.
2. (Original) The fungus according to claim 1, wherein the fungus is *Penicillium verruculosum* having activity of controlling an infectious disease of a Gramineous plant.
3. (Original) The fungus according to claim 1, wherein the fungus is *Penicillium aculeatum* having activity of controlling an infectious disease of a Gramineous plant.
4. (Original) The fungus according to claim 1, wherein the fungus is *Eupenicillium reticulisporum* having activity of controlling an infectious disease of a Gramineous plant.
5. (Original) A *Penicillium* sp. B-453 (FERM BP-08517).
6. (Original) A *Talaromyces* sp. B-422 (FERM BP-08516).
7. (Original) An *Eupenicillium reticulisporum* B-408 (FERM BP-08515).
8. (Currently amended) An agent for controlling a disease of a Gramineous plant comprising as an active ingredient at least one strain of the fungus according to ~~any one of claims 2 to 7~~ claim 1.
9. (Original) The agent for controlling a disease of a Gramineous plant according to claim 8, wherein the agent has activity of controlling both a fungal disease and a bacterial disease occurring at the raising of a rice seedling.

10. (Currently amended) A method of controlling a disease of a Gramineous plant comprising using the agent for controlling a disease of a Gramineous plant according to claim 8-~~or~~9.

11. (Currently amended) A biological material treated with the agent for controlling a disease of a Gramineous plant according to claim 8-~~or~~9.

12. (Original) The biological material according to claim 11, wherein the biological material is a soil for raising a seedling of a Gramineous plant.

13. (Currently amended) A plant seed treated with the agent for controlling a disease of a Gramineous plant according to claim 8-~~or~~9.

14. (Original) An agent for controlling a disease of a Gramineous plant comprising as an active ingredient at least one strain of the fungus having activity of controlling an infectious disease of a Gramineous plant, and belonging to the genus *Penicillium*, or the genus *Talaromyces* or *Eupenicillium* which is the teleomorph of the genus *Penicillium*.

15. (Original) An agent for controlling a disease of a Gramineous plant and having activity of controlling both fungal disease and bacterial disease occurring during the raising seedling of the Gramineous plants comprising as an active ingredient at least one strain of the fungus having activity of controlling an infectious disease of a Gramineous plant, and belonging to the genus *Penicillium*, or the genus *Talaromyces* or *Eupenicillium* which is the teleomorph of the genus *Penicillium*.

16. (Original) A method of controlling a disease of a Gramineous plant comprising using an agent for controlling a disease of a Gramineous plant, in which the agent comprises as an active ingredient at least one strain of the fungus having activity of

controlling an infectious disease of a Gramineous plant, and belonging to the genus *Penicillium*, or the genus *Talaromyces* or *Eupenicillium* which is the teleomorph of the genus *Penicillium*.

17. (Original) A biological material treated with as an active ingredient at least one strain of the fungus having activity of controlling an infectious disease of a Gramineous plant, and belonging to the genus *Penicillium*, or the genus *Talaromyces* or *Eupenicillium* which is the teleomorph of the genus *Penicillium*.

18. (Original) A soil for raising a seedling of a Gramineous plant treated with as an active ingredient at least one strain of the fungus having activity of controlling an infectious disease of a Gramineous plant, and belonging to the genus *Penicillium*, or the genus *Talaromyces* or *Eupenicillium* which is the teleomorph of the genus *Penicillium*.

19. (Original) A plant seed treated with as an active ingredient at least one strain of the fungus having activity of controlling an infectious disease of a Gramineous plant, and belonging to the genus *Penicillium*, or the genus *Talaromyces* or *Eupenicillium* which is the teleomorph of the genus *Penicillium*.

20. (Original) A method of treating a plant seed for controlling an infectious disease of a Gramineous plant comprising using as an active ingredient at least one strain of the fungus having activity of controlling an infectious disease of a Gramineous plant, and belonging to the genus *Penicillium*, or the genus *Talaromyces* or *Eupenicillium* which is the teleomorph of the genus *Penicillium*.